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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

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16 UNITED STATES OF AMERICA, ) Case No.: CR 08-0160 SI  
17 Plaintiff, )  
18 vs. ) **DEFENDANT'S RESPONSE TO**  
19 JOHN J. COTA, ) **GOVERNMENT'S EX PARTE MOTION**  
20 )  
21 Defendant. )  
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24 Defendant has no objection to a hearing on the government's motion on an  
25 expedited basis but notes that a deposition is scheduled for May 29 and 30, 2008. It is  
26 premature to set a trial date. The government continues to produce needed discovery. The  
27 defense has not had the time necessary to review and digest the massive amount of materials  
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1 the government has recently produced. If the Court believes it to be prudent to set a tentative  
2 date for trial subpoenas, we have no objection so long as the date is set on or after October  
3 13, 2008.

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5 Respectfully submitted,  
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10 KIRKPATRICK & LOCKHART  
11 PRESTON GATES ELLIS LLP  
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Dated: May 22, 2008

By: /S/ JEFFREY L. BORNSTEIN  
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